



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-सा.-28092024-257572
CG-DL-W-28092024-257572

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 20] नई दिल्ली, सितम्बर 22—सितम्बर 28, 2024, शनिवार/भाद्र 31—आश्विन 6, 1946
No. 20] NEW DELHI, SEPTEMBER 22—SEPTEMBER 28, 2024, SATURDAY/BHADRA 31—ASVINA 6, 1946

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्यक्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं
Orders and Notifications issued by the Central Authorities (Other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

अधिसूचना

नई दिल्ली, 19 सितम्बर, 2024

आ.अ. 101.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में भारत निर्वाचन आयोग एतद्वारा वर्ष 2019 की निर्वाचन याचिका सं. 9 में बंबई उच्च न्यायालय का निर्णय/आदेश दिनांक 21/06/2024 प्रकाशित करता है।

[फा. सं. 82/एमएच-एचपी/9/2019]

आदेश से,

एस. के. दास, सचिव

ELECTION COMMISSION OF INDIA**NOTIFICATION**

New Delhi, the 19th September, 2024

O.N. 101.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951) the Election Commission of India hereby publishes the judgment/order dated 21/06/2024 of the High Court of Judicature at Bombay in Election Petition No. 9 of 2019.

[F. No. 82/MH-HP/9/2019]

By Order,

S. K. DAS, Secy.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY ORDINARY ORIGINAL CIVIL JURISDICTION**ELECTION PETITION NO. 9 OF 2019**

Rahul Ragunath Ovhal

.....Petitioner

vs.

The Election Commission of India & Ors.
None for the petitioner.

Respondents

Mr. Akshay Shinde for respondent no. 2.

Mr. Shekhar Jagtap a/w. Ms. Sairuchita Choudhary i/b. J. Shekhar Associates for respondent no. 3.

CORAM: G. S. KULKARNI, J.

DATED: 21 June, 2024

P.C.

1. The proceedings are listed in pursuance of a praecipe application as moved by Mr. Shinde, learned counsel for respondent no. 2.
2. This election petition challenges the election of respondent no. 3 to the Lok Sabha from the Lok Sabha Constituency no. 36-Shirur, District Pune, in Parliamentary elections held in the year 2019. Admittedly, the term of the Lok Sabha relevant to such election expired on 16 June, 2024. Thereafter, fresh elections were held in the month of May, 2024, the results of which were declared on 4 June, 2024, in which respondent no. 3 had again contested from the same constituency and is stated to have been re-elected to the Lok Sabha. It is, therefore, stated that the present proceedings have now become academic/infructuous.
3. It is on such backdrop respondent no. 2 has moved this Court by such application dated 19 June, 2024 setting out the urgency. It is stated that for the purpose of the present proceedings, respondent no. 2 had stored and secured 4622 Ballot units, 2311 Control Units and 7242 VVPAT machines, which are stored in a godown with police security. It is stated that now the State Assembly elections would be held in the month of November, 2024 and for such purpose, respondent no. 2 requires the aforesaid materials. It is hence submitted that appropriate orders be passed considering that the petition has now become infructuous.
4. Although the cause-list was notified listing the present proceeding, however, none represents the petitioner, and possibly in view of the fact that the petition itself has become infructuous.
5. From the record it appears that on the last occasion, the Court had heard the proceedings on 4 March, 2020 on the Application (L) No. 3 of 2019 filed by respondent no. 1, which came to be allowed in terms of prayer clauses(a) and (b). Also, the proceedings were not moved by the advocate for the petitioner for any further orders to be passed on the proceedings and more particularly, considering the nature of the challenge as raised in regard to which observations have been made by the Court in order dated 4 March, 2020.
6. In the aforesaid circumstances, as now the term of the Lok Sabha relevant to the 2019 election and subject matter of the present proceedings itself has come to an end, as also fresh Lok Sabha elections were held in May, 2024, results of which being already declared, learned counsel for respondent no. 2 would be correct in submitting that the present proceedings have become infructuous. The petition is accordingly disposed of as infructuous.

7. Respondent no. 2 is hence free to use the Ballot units, Control Units and VVPAT machines as per the procedure followed by it for other elections, as they are no more required for the purpose of present proceedings.
8. Disposed of. No costs.

G. S. KULKARNI , J.